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10/713,301

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/713,301 | <b>Applicant(s)</b><br>MITSUHASHI ET AL. |  |
|                              | <b>Examiner</b><br>NARESH VIG        | <b>Art Unit</b><br>3629                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090210</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in reference to communication received 24 July 2009 Claims 1 – 5 and 14 are pending for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 5 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being vague indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 1:

As currently claimed, it is not clear whether the electric album service is part of the electric bulletin board (databases on the same system), or, electric bulletin board and electric album service are two disjoint systems,

applicant has not positively claimed how the user's question stored on the bulletin board is tied to an image stored by the applicant on electronic album service. How does the claimed invention determine which image stored by the user on the electric bulletin board is to be displayed with the question stored by the user on the electric bulletin board. Also, applicant has not positively claimed, whether the image is part of the question, or, the user adds a link to the image as a part of the question, or something else.

Applicant recites the limitation a step of displaying the image provided for the electric album service for the user to demand the image to be carried in the bulletin board with the question". It is not clear whether the claimed invention is directed to displaying the image with the question, user is displayed with the image which the user selects to be part of the question, or the image is displayed on the bulletin board, or something else.

Applicant claims the limitation "a step of judging whether or not the image provided for the electric album service is permitted to be browsed by a third party when the image is demanded to be carried in the bulletin board with the question by the user". It is not clear who performs the judgment, is the judgment third party specific, is it based on the user's defined criteria, or, something else;

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikugawa US Publication 2007/0050459 in view of Benson US Patent 6,301,660.

Regarding claim 1, Kikugawa teaches system and method for an Electronic Bulletin Board which communicates with users and plurality of servers [Kikugawa, Fig. 1 and disclosure associated with the figure]. Kikugawa teaches capability and concept for associating links/URLs to additional information embedded with the text (Kikugawa, Fig. 4 and disclosure associated with the Figure). Kikugawa does not explicitly recite protecting the contents provided by the user by providing the access to contents to authorized users. However, Benson teaches system and method of protecting the contents of a file to be accessed by authorized users [Benson, col. 7, lines 11 - 23].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Kikugawa by adopting teaching of Benson to protect the digital content from unauthorized use, maintain privacy of the image provider, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Kikugawa in view of Benson teaches concept and capability for:

providing an electric bulletin board system that can enable questions and answers among users therein, and works with an electric album service, the electric album service providing a storage area of an image to a user,

storing a question sent by a user and carrying the question in a bulletin board of the electric bulletin board system;

displaying the image provided for the electric album service for the user to demand the image to be carried in the bulletin board with the question;

judging whether or not the image provided for the electric album service is permitted to be browsed by a third party when the image is demanded to be carried in the bulletin board with the question by the user;

permitting to carry the image in the bulletin board when the image is permitted to be browsed by the third party; and

banning from carrying the image in the bulletin board when the image is not permitted to be browsed by the third party.

Regarding claim 2, Kikugawa in view of Benson teaches capability wherein a link portion can be provided on a display screen of the bulletin board and the image stored onto a memory area provided for the electric album service can be accessed through the display screen of the bulletin board when the link portion is clicked on.

Regarding claim 3, Kikugawa in view of Benson teaches capability wherein the image is read out from the memory area provided for the electric album service and can be carried in the bulletin board.

Regarding claim 4, Kikugawa in view of Benson teaches capability wherein a contracted image of the image stored onto the memory area provided for the electric album service can be displayed in the bulletin board.

Regarding claim 5, Kikugawa in view of Benson wherein the link portion to display an original image of the contracted image in the bulletin board can be provided on the display screen when the contracted image is displayed on the display screen of the electric bulletin board and the original image is read out from the memory area provide for the electric album service and displayed in the bulletin board when the link portion is clicked on.

Regarding claim 14, Kikugawa in view of Benson wherein according to an erase order from a user, image data stored onto an area provided for the electric album service can be erased **(it would have been obvious to one of ordinary skill in the art that when a owner of the information wants to remove the information stored on a storage device, said information is erased from the storage medium).**

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Koch et al. US Patent 6,969,362
2. Kikugawa US Patent 6,438,632
3. Rekimoto US Patent 6,636,249
4. Kamada US Patent 6,381,637
5. Jenkins et al. US Patent 6,094,435
6. Schloss US Patent 5,708,507

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 3629

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 11, 2009

/Naresh Vig/  
Primary Examiner, Art Unit 3629